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SOURCE

The following is a true copy of the minutes of the preliminary meeting of the War Crimes Tribunal which was held in London on 13 November 1966. It should be noted that these are the very first recorded minutes and were labeled by the recorder as "rough notes of minutes". In order to maintain the flavor of the views expressed by the participants, no effort has been made to edit the notes which [redacted] believes were taken and transcribed by one Marjorie Holt.

The Chairman¹ It was agreed that the members present understood either French and English - and translation either way must be agreed upon.

The French² Wanted to know if it would be possible to come to final decision as to the constitution of the Tribunal. Some of the members present may not want to join, but to remain as observers - others may be deciding whether to join or not. He would like to have some permanent decision on this.

Yasac The people here today have already given their decision to be judges, and it would be a good thing to bring out a list of the complete Tribunal membership.

Ralph Schoenman³ There are several members of this Tribunal who are not here. I should like to mention their names: Jean Paul Sartre will be here in the morning. Simone de Beauvoir is unable to attend at the initial meeting, but hopes to attend future ones. Professor Sakata is expected shortly. Amado Hernandez is en route. David Dellinger is in North Vietnam

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Hanoi and hopes to be back in time for these meetings. Stokeley Carmichael is unable to attend this meeting due to his arrest, but he has sent along his deputy. Josue de Castro is in hospital having an operation. Cardenas has written offering his apologies for his inability to attend. He remains a member and looks forward to attending future sessions. He has written a letter to Lord Russell setting out his views. I think that accounts for all those listed in the document. We shall see that the documents are also translated into French.

Chairman We have listed the present members of the Tribunal - are there any further people?

Ralph Schoenman There is one name - that of Peter Weiss who had originally accepted membership of the Tribunal - and he regrets that he is unable to come along, but requests that he be considered for one of the commissions, or one of the committees. He would like to participate in an "on the spot" enquiry in Vietnam for the Tribunal. If he should assume that role for the Tribunal he would not be a formal member of it, but would act in a different capacity.

Chairman We must be sure that there is no misunderstanding on this question.

Ralph Schoenman Those who are listed are only those who have accepted the invitation from Lord Russell. Anyone who wishes to change his mind has every right to do so, and we can only acknowledge it if they tell us. May we ask, for the record, who is considered a member of the Tribunal?

Prof. Sakata First of all, may I ask if this is a meeting of Judges or not? In Japan I am a member of an International organisation for world peace, and whilst I am a member of this organisation I am not its delegate to this Tribunal. He could not consider himself as their representative because it would first have to ratify his selection to act on their behalf.

Chairman I shall ask every member here whether he considers himself, or not, as a member of the Tribunal. If there are any difficulties they can be discussed. If anybody is doubtful about himself he could delay the decision a little - say, until the end of the first session after more information is available. But, of course, at the end of the first session something will have to be decided and, moreover, the people who will arrive tomorrow or the day after will have to take the same decision.

Deutscher I would suggest that we begin the next meeting, tomorrow morning, by asking each individual member whether they are willing to stand.

Chairman We are not compelled to adopt these rules and nobody is committed to them. Everyone here received the correspondence that Lord Russell of the Foundation sent out. We are free to take our decision now - it is not a complete surprise, and I propose that everybody here makes his decision tomorrow morning, or maybe in a few hours. Then we can discuss the proposal and take a decision about that.

Deutscher I am against the proposal, because I have been in correspondence with Lord Russell for about 3½ months. I have been exposed

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to all kinds of pressure from the East and the West, great pressure has been put on me not to be here. I am a member of a trade union, but I am here as an individual, and everyone must judge according to himself and his own position, and if anyone is here for any other than a personal reason that is his own concern. I would reject the proposal of Mr. Gunther Anders because our time is very brief and the majority of us have already started the documents. My proposal is that we continue our working with an amendment that the documents should be translated into French, and we can continue to work on them then.

Dedijer I should like to add that in Yugoslavia there has been a heated discussion about the Tribunal itself. The students of Ghana University are against the opinions of the President of the Slovene Academy who has come out on the front page of the press with a very strong report of the Tribunal, and their slogan was "Let us Stop the Killing", and they have formed committees for the support of the Tribunal and have been joined by the students of all Yugoslav Universities. And I am here as a representative of all these people, all the students and those among my trade unions who also are of this opinion.

Ermet Ali Aybar He would like to emphasize that the names of the members of this Tribunal should not be a matter for discussion, because the whole thing has been accepted on a basis of opposition to the "Crimes against Humanity". He would like to know how many meetings will be required and what will be the length of these meetings. He is president of a workers' organization in Turkey and he would be unable to be absent too long from his country. If the Tribunal is to continue for a long period then he proposes that each member should be represented if he has to go back to his country. He felt that members should always be present, and care should be taken to avoid the impression that the work of the Tribunal was being made impossible due to lack of attendance. He had come specially to lend his presence to this meeting from the first, and he hopes he may be able to be present for a long period. There was no doubt that he considered himself to be a member of the Tribunal. He hoped that members would not fall out of the meetings because some decision had been taken with which they did not agree.

Dolot⁶ He saw from his documents that new names had been added, and he proposed that after today no new names should be added.

Deutscher May I propose that no further new names be added until they have the agreement of the tribunal. It was obvious that many important countries were not represented, and he was in complete agreement with the people who thought that its composition should be capable of being enlarged, and it was therefore essential that members fix its composition now. We can leave open the question of two or three members who are doubtful, but we cannot take any decisions if we are not a constant body. We should constitute ourselves as a Tribunal forthwith with members who are willing to engage themselves as members right now.

Chairman Proposed to accept the suggestion that there should be strict limitation to the number of names that can be added. This question should be left open for only a few days.

French Delegate Proposed that any member who is absent be replaced by an observer only.

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Dediver I propose that we verify the composition of the Tribunal.
How is this to be done? This Tribunal has not been invited by any Government or any official body. Lord Russell sent out personal invitations, and it is clear that people are invited as individuals - it is not a question of being a representative. He also felt that if new members were elected they should be chosen by the Tribunal themselves.

Deutscher We must decide which of the members present here would be willing to serve on the Tribunal without prejudice to its final composition; which members considered themselves as members of the Tribunal and for the time being would be prepared to act as members without prejudice to the final composition.

Ralph Schoenman There can be no Tribunal until people accepted membership in it. Now that such membership has been accepted we assume the fact from your presence here - the responsibility to extend the membership is yours to do as you think fit. It was our assumption that those individuals who replied considered themselves as members of the Tribunal when they accepted. By the very definition of your presence here we would assume that you are members, with the exception of those people who have come as deputies for their colleagues who cannot be present at this meeting.

Woods I have come here as an individual and not on behalf of the lawyers of Pakistan, or the Government, or the people - it is a personal attendance. My future presence or absence will depend on (1) Whether my Government will let me come out of the country - I have paid the money myself for the ticket on this occasion, but I may be prevented from taking this money out of the country next time. (2) I am functioning as a lawyer and cannot be absent from my country for prolonged periods - not for political but for professional reasons.

Chairman The member could stipulate the title by which he wishes to be known - either as an individual or a representative of an organisation or government, etc. The problem of the duration of the sessions must be considered by various members. We must say something now about this, and moreover it is something of a problem for people from countries like Japan and the United States. We must give a definite answer.

Ralph Schoenman May I say a few brief words on this point. You raised the question of the sessions, and it is up to you to decide on this, but I should say that the conception was that the four days of meetings here would enable you to plan a time-table of the procedure and between December and March that work would be completed. Commissions would be appointed, and committees elected to be responsible to the Commissions. Reports would be made from representatives on the spot in Vietnam, witnesses would give evidence, and there would be approximately 12 weeks for the duration of the Tribunal. During that time if you consider the amount of evidence and research that the commissions will have as their responsibility. So it is up to you to work this out in practical terms, with a proper balance between the work which will be necessary and your own commitments so that you can be present as much as possible and work out a programme to take depositions on evidence, etc. I am sorry I can't be more helpful, but the question of the amount of time is an important thing for this.

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Chairman I propose that members who are unable to be present should be able to be represented by people designated by themselves. We must arrange it so that there is no ambiguity.

Mahmet Ali Ayber Proposed that minutes of any meetings should be sent to absent members of the Tribunal.

Mr. Cox⁷ He regretted that there had been some misunderstanding. He now realized that the invitation to Stokeley Carmichael was a personal one, but as he had been unable to come he had asked Mr. Cox to come in his place. He would refer the matter back to Stokeley so that he could make a decision about a delegate.

Chairman We have now to discuss the basic structure of the Tribunal.

Basso⁸ How many seats did they propose for new members, and this should be decided unanimously. Were decisions to be taken on a unanimous vote, or a majority vote?

Mahmood Ali Kasuri A majority decision should be the rule for the acceptance of new members.

This was a difficult decision, as new members would perhaps not be known by everybody. What would happen about majority voting when the person wasn't known personally to every member of the Tribunal. I must make it clear that this does not apply to members who are already on Lord Russell's list.

Chairman Mr. Basso's proposal is that if there are no objections then the election is considered as unanimous if there are a sufficient number of votes.

Kasuri Provided the majority of members are supporting.

Chairman I am calling on all members of the Tribunal - should we vote for this unanimously. I consider this to be our first unanimous vote.

Kasuri I propose that on all other issues they take a decision on the majority of the total number.

Chairman Does anyone wish to make any proposal?

Dedijer Proposed that new members should be notified to the Tribunal in advance so that they could ascertain details about them. Each of us should nominate a person who will come in our place in case we cannot attend. Members of the Tribunal could vote by proxy. They could also send members to act as observers.

Chairman We are now discussing the problem that the Tribunal takes its decision by majority vote. The member for Pakistan has proposed that it should be by a majority of the total membership and not only a majority of those members who are present at the particular session. We shall not come together until next spring. There are these two problems here: - Obviously some decision will have to be taken in the name of the Tribunal in the interval between our

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sessions. During these months when our investigating teams will be working in Vietnam. Then there is the question of two kinds of decisions - those taken in the names of the Tribunal, and those taken when the Tribunal is not sitting. Decisions taken by the sitting Tribunal will be "Decisions of [redacted]" when not sitting they will be "Administrative (organisational) decisions". Different procedures will be required for each of these types of decisions.

Ralph Schoenman A point was made about the long gap between these meetings after the preparatory work has been completed. There is no reason why meetings should not be held at any time - and these should be arranged before the Tribunal goes into public session. Nothing was conceived rigidly.

Chairman We must give people freedom of action in the making of decisions etc. We must not tie them to too rigid formulas as to how they must vote and so on. We may come to some decision to take evidence from a source which has become available, and perhaps taking evidence from that source implies a political position. Suppose Marshal Ky wants to give evidence - we must prepare ourselves for some such ironical decision we may have to make - who decides about such things at a time when the Tribunal is not in session. I have tried to think about such questions, and I think we must be prepared to take bold decisions by a majority vote - possibly conducted by correspondence when the Tribunal is not operating.

Surely under such circumstances we should be prepared to convene the Tribunal urgently.

French Delegate Felt that voting on such an issue by post would be a very dangerous thing.

Ralph Schoenman I should like to speak about this. We have given all these matters very great thought for the past 10 months. Obviously we have worried about many of these points you are discussing now. I should just like to inform you that we had assumed that there would be no interim problems such as voting by the Tribunal - as we had felt that the four days of this meeting all the procedure would be agreed by you and the various groups would have been formed to investigate and report on the work in hand.

[redacted] Comments:

1. The Chairman of this meeting was reported to be Gunther Anders, Austrian novelist and author of the book, No More Hiroshima.
2. The French delegate is presumably Laurent Schwartz, an eminent French mathematician who was formerly active in French Trotskyist politics. France
3. [redacted] Comment: Ralph Schoenman is a Director of the Bertrand Russell Peace Foundation which is sponsoring the Tribunal.

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Comments:

4. Shoichi Sakata - Japan
5. Vladimir Dedijer - Yugoslavia

Comments:

6. The Italian writer Danilo Bolci. Italy
7. Courtland Cox, member of the Student Non-Violent Coordinating Committee (SNCC). According to the informant of this report, Cox said that the SNCC has no official position concerning the War Crimes Tribunal and that he was sent to the London meeting only as an observer.
8. Lelio Basso, Deputy in the Italian Parliament. Italy

England

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